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Serial No. 09/774,438

18334-8261002

#5
9/13/02
PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Theodore R. Coburn

Serial No. 09/774,438

Filed: January 30, 2001

For HIGH BI-DIRECTIONAL
STRENGTH MONOLAYER
POLYMERIC FILM AND METHOD
OF FABRICATION

:Group Art Unit: 1772

:Examiner: Sandra M. Nolan

:Response to Paper No. 3

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Assistant Commissioner for Patents,
Washington, DC 20231

S I R:

This is in response to the Office Action dated July 2, 2002. Claims 1-22 remain pending in the present application.

Restriction has been required between (I) claims 1-13, drawn to processes, (II) claims 14-20, drawn to films and (III) claims 21 and 22, drawn to containers. This restriction requirement is respectfully traversed.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8 (a))

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The Examiner states that inventions I and II as process of making and product made. The inventions are distinct if the product as claimed can be made by another and materially different process. In this case, the Examiner asserts that the claimed film can be made by sequential casting. However, there is no showing of how sequential casting is *materially different* from the method of claims 1-13 or how a film comprising a *blend* of materials would be made by sequential casting. For these reasons, applicant respectfully traverses the restriction of claims I and II.

With respect to inventions II and III, the Examiner contends that these inventions are related as mutually exclusive species in an intermediate-final product relationship. Nevertheless, applicant respectfully traverses this restriction requirement on the basis that the requisite serious burden on the Examiner set forth in MPEP § 803 does not appear to exist. Although the classifications of these may differ slightly, applicant believes that the two inventions are so closely related that the field of search necessary to properly search either invention would encompass the other invention as well. Because a different field of search is not required, there is no serious burden as required by MPEP § 803.

No basis is given for requiring restriction between inventions I and III.

For the above reasons, reconsideration and withdrawal of the restriction requirement is respectfully requested.

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Applicant provisionally elects invention II, claims 14-20 for further prosecution. The remaining claims will be retained pending resolution of the traversal.

An action on the merits is awaited.

Respectfully submitted,

8/26/02

Date

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